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PCT

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FORM PTO-1390  
(REV. 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER  
167/004/Heuer

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

SEP 22 2004

10/509430

INTERNATIONAL APPLICATION NO.  
PCT/EP03/02998

INTERNATIONAL FILING DATE  
March 22, 2003

PRIORITY DATE CLAIMED

March 23, 2002; July 10, 2002

TITLE OF INVENTION OPTICAL SWITCHING STATION AND CONNECTION METHOD FOR THE SAME

APPLICANT(S) FOR DO/EO/US Olaf PICHLER, Kenneth GUILD Jörg Peter ELBERS

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☒ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ Assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included and fee.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: **Receipt Acknowledgement Postcard**

INTERNATIONAL APPLICATION NO.  
**PCT/EP03/02998**

ATTORNEY'S DOCKET NUMBER  
**167/04/Heuer**

**CALCULATIONS** PTO USE ONLY

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO .....	\$1,080.00
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International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....	\$920.00
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International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....	\$770.00
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International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....	\$730.00
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International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) .....	\$100.00
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**ENTER APPROPRIATE BASIC FEE AMOUNT =**

Surcharge of **\$130.00** for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)). ☐ 20 ☐ 30

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	11 - 20 =	0	x <b>\$18.00</b>	\$0.00	
Independent claims	2 3 =	0	x <b>\$86.00</b>	\$0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			<b>+ \$290.00</b>	\$0.00	

**TOTAL OF ABOVE CALCULATIONS =**

☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.

**SUBTOTAL =**

Processing fee of **\$130.00** for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

**TOTAL NATIONAL FEE =**

Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). **\$40.00** per property +

**TOTAL FEES ENCLOSED =**

<b>Amount to be refunded:</b>	\$
<b>charged:</b>	\$

- a. ☒ A check in the amount of \$920.00 to cover the above fees is enclosed and Assignment recordal.
- b. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 11-1145. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.**

**SEND ALL CORRESPONDENCE TO:**

**KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C.**  
**489 Fifth Avenue**  
**New York, New York 10017**  
**(212) 697-3750**

SIGNATURE: \_\_\_\_\_

## Alan Israel

NAME \_\_\_\_\_

**27.564**

REGISTRATION NUMBER

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail No. EV 332 341 260 US in an envelope addressed to:  
Box: PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on:  
September 22, 2004  
(date) Eori G. Witkin